

**REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
JUNE 3, 2010
7:05 P.M.**

PRESENT:	Dennis Fife	Mayor
	Scott Ericson	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
	Tyler Vincent	Councilmember
ALSO PRESENT:	Ryan Abraham	Interim Cemetery Sexton
	Rick Bosworth	Human Resource Coordinator
	Ben Boyce	Leisure Services Director
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Blake Fannesbeck	Public Works Director
	Paul Larsen	Economic Development Director
	Kristy Law	Recreation Supervisor
	Bruce Leonard	City Administrator
	Chris Marx	Golf Pro
	Mike Nelsen	Police Lieutenant
	Tyler Pugsley	Public Works Assistant Director
	Jason Roberts	Finance Director
EXCUSED:	Bruce Christensen	Councilmember

Mayor Fife called the meeting to order and excused Councilmember Christensen. The Reverence Period was given by Bishop Ken Kennedy from the LDS 18th Ward. Councilmember Marabella led the audience in the Pledge of Allegiance. A motion to approve the minutes of May 20, 2010 Council and Work Session as written was made by Councilmember Marabella, seconded and carried.

**PUBLIC COMMENT
CONSENT**

Appointment to the Youth Commission Executive Board
Request to Expend \$3,200 From the Field Use Fee Fund to Top Dress Playing Fields

PUBLIC HEARINGS

Public Hearing on the 2010-11 Brigham City Budget
Public Hearing to Receive Public Input on the Intent to Surplus a Parcel of Real Property, Located at
544 South 800 West

SCHEDULED DELEGATION

Request Permission to Help Fish & Wildlife Eliminate Problem Animals

NEW BUSINESS

Presentation of Tree Line USA Award
Request for Approval of Golf Professional Services Contract
Request to Set a Special Meeting for June 24, 2010 to Close Out the 2009-10 Budget
Request to Accept Annexation Petition from Victor Thompson
Request to Schedule a Work Session to Discuss 110 West Road Project

MAKING LIFE BETTER - DEPARTMENT REPORTS

Opening of the Brigham City Swimming Pool
Heritage Arts Festival Update
Sights and Sounds of Summer Update

OTHER BUSINESS

PUBLIC COMMENT

Kris Powers - Ms. Powers attended the work session before this meeting and said the Mayor mentioned that some customers are dissatisfied with the speed of their internet with UTOPIA. She said when she first got

UTOPIA she did not think the speed of her internet had improved, but she found out that it was her computer. She said she understands it is difficult to pledge more money on top of more money. She compared it to the three times at her business that her parent company asked her to be the first office to try out a new model. It was very painful. However, it allowed her parent company to learn from the mistakes they made with her office and the problems they had. She sees the same thing happening with UTOPIA. She has heard complaints about the installation; UTOPIA is not the installer, they contracted with an installer. She also knows that the installer comes back and makes it right. They did in her own house. She is thrilled with UTOPIA. She has higher speed at her house than she does at her office, so she does not have to be at her office late at night. She wants the rest of the residents and businesses to have the opportunity to have UTOPIA. She also sees the vision of bringing more businesses into the community. Brigham City has to have something to offer to do that, and UTOPIA is one of those major things.

Bob Marabella - Mr. Marabella, speaking as a citizen and not as a councilmember, stated that he has UTOPIA at his house. There have been a lot of stories that he was not sure are factual. He gave a factual example. His phone bill at his house as a small business owner is \$119/month. His Connected Lyfe bill is now \$55/month. He is saving \$64/month. He recently purchased Bess Realty. Veracity came in and evaluated his phone system and they told him he can save \$196/month on his phone bill at Bess Realty. These are real numbers. He challenged those unhappy with UTOPIA to come up with a solution. Stop complaining and come up with a solution. Brigham City has to pay almost \$400,000/year for 30 years whether the citizens like it or not, there is no way out of it.

Bonnie Germer - Ms. Germer asked Mr. Marabella how long he has been hooked up to UTOPIA. He said he has had internet with UTOPIA for four weeks and phone for one day. She asked him if he downloads a lot of big files. He replied that he probably does more than 95% of the community because he does real estate pictures and is constantly downloading and uploading. Ms. Germer said she has a lot of friends that have the internet through UTOPIA and they are very dissatisfied. The Germers have UTOPIA and they have three brand new computers and they aren't as fast as Qwest is on her 10-year-old computer. They stayed with Qwest and UTOPIA and Qwest beats UTOPIA hands down. She does not do a lot of files, and that may be why. Most people in their 60s and 70s probably don't do anything but email. She felt that the attachment on citizens' homes is very unfair. She agreed that businesses will benefit from UTOPIA, so let them pay for it. The citizens of Brigham City have paid \$357,000 a year, now it will be more. It is going to be another \$20 million the first year of the plan. This is a five-year plan. Councilmember Marabella said that equates to 95¢ per resident per month to add \$54,000. Ms. Germer said the \$54,000 is in addition to the \$357,000 per year. The second year of funding needs \$62 million more. She felt that expecting almost 20,000 residential subscribers by the second year is pie in the sky. She did not feel that the Brigham City residents can afford to turn the City's decisions over to UTA. How can the citizens make the Council understand that they do not have the 57¢ per day, and it will go up and up.

Ruth Jensen - Ms. Ruth Jensen came forward as a citizen, not as a councilmember, and asked Lori Hunsaker from the News Journal if she has UTOPIA yet. Ms. Hunsaker said she has, about a month ago and she is happy with the service. Ms. Jensen said Ms. Powers mentioned that she also recently hooked up to UTOPIA. It is interesting to see that the people that got hooked up are those that spearheaded it. Ms. Powers is associated with UTOPIA; her son Josh is UTOPIA's Director of Marketing. She asked why RUS pulled out before UTOPIA started to build in Brigham City? She also asked why anyone would compare themselves to the Utah Transit Authority (UTA) as discussed in the earlier work session. UTA is now in trouble. Their directorship is being questioned on how their salaries are being paid. In the same work session, Mr. Kane Loader stated that a business was paying \$3,000/month for Qwest service, but now that same business is paying \$700/month with UTOPIA. She felt this was unfair when there are member cities that are paying millions and millions of dollars for this infrastructure. These cities are going to have to pay for UTOPIA for years, yet that business only has to pay \$700/month. She said Councilmember Christensen told her a few weeks ago that he had all his family on UTOPIA but they don't all get to use it because it is not working. Some are on Dish, some are using other phone companies. She thought it was interesting that Councilmember Christensen would "suck eggs" for UTOPIA, but if it were Comcast or Qwest, he would be knocking down their door asking them to fix it. She agreed that there are a lot of testimonials, some good and some bad. She said she has heard positive comments from two people that thought their speed was faster than their previous DSL service.

Mayor Fife announced that a UTOPIA public hearing will be held on June 17 at 5:30 at the Senior Center.

CONSENT

Appointment to the Youth Commission Executive Board

It was recommended Carrie Ann Johnson be appointed to the Youth Commission Executive Board.

Request to Expend \$3,200 From the Field Use Fee Fund to Top Dress Playing Fields

In a previous Council Meeting, Council approved expending \$4,700 from the Field Use Fee Fund for equipment and a set of soccer goals. Since that time, the American Youth Soccer Organization has indicated that they want to donate the soccer goals. It was requested that the amount set aside for soccer fields be used for top dressing playing fields.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Ericson, seconded by Councilmember Marabella and unanimously carried.

PUBLIC HEARING

Public Hearing on the 2010-11 Brigham City Budget

Mr. Roberts stated that Mayor Pro Tem Christensen presented the City's \$38M budget to the public at the last Council Meeting. Of that, there is \$11.1 million in the General Fund and \$19.6 in Utility Funds. A copy of the budget has been available for review at the City Recorder's Office.

A motion to open the public hearing was made by Councilmember Ericson, seconded and carried. There were no comments from the public. Councilmember Ericson moved to close the public hearing, seconded and carried.

MOTION: Councilmember Marabella made a motion to approve the final 2010-11 budget as presented by Mayor Pro Tem Christensen; seconded by Councilmember Jensen and unanimously carried.

Public Hearing to Receive Public Input on the Intent to Surplus a Parcel of Real Property, Located at 544 South 800 West

Mayor Fife explained that a public hearing was held previously on this property. The property was surplusd at that time; however, Mayor Fife had promised that another public hearing would be held before the City considered selling it. The City has received some offers on the property and would like to list it.

Mr. Leonard stated that this property is located on 800 West between 500 South and 600 South and is approximately 17 acres. It is located east of the railroad tracks and has a single family dwelling on the property and some out buildings.

A motion to open the public hearing was made by Councilmember Ericson, seconded by Councilmember Jensen and unanimously carried.

Lori Hunsaker - Ms. Hunsaker said she was at the previous meeting when comments were heard about keeping the property as green space. The cemetery needs to grow. She was in favor of this and felt it was a worthy goal. Once it's gone, the green space is gone. She asked the Council to consider keeping the property as green space.

Ron Papworth - Mr. Papworth is Chair of the Recreation Commission. He requested that the money from the sale of this acreage be set aside for the culinary water loop line for the west side. This very important project will greatly enhance the culinary distribution system on the west side of the City. It will enable the City to better serve the citizens by providing continued service to industrial users such as Vulcraft, Nucor, GEM Manufacturing, Procter and Gamble and the airport with water, especially when repairs and maintenance are needed on the current system. In addition, it would provide for future development on the south side of Forest Street. If there are any funds left, it should be set aside for the development of the future sports complex.

Ryan Abraham - Mr. Abraham said he has a few more numbers since the last public hearing when they proposed that the property be kept as green space and be used for future cemetery use. On 17 acres they could bury approximately 9,056 people. That would last 46 years at 200 burials per year, which is about what they are burying now. He estimated there is approximately 50 years left at the current cemetery.

Mayor Fife stated that when the Council considered the upcoming budget and the water loop project, it was determined that a portion of the funding could come from the sale of this property. There is also additional funding in the budget. This project will allow water to be there for the sports complex and allow some rough work to be done. This will increase the opportunity for a sports complex.

There were no further comments from the public.

Councilmember Marabella moved to close the public hearing, seconded by Councilmember Vincent and unanimously carried.

Councilmember Marabella stated that it is important that citizens understand that making the decision to put this property up for sale does not hold the Council accountable to sell at any price. They still have the ability to look at each offer. The Council has discussed in an Executive Session what the property is worth, and if an offer is received within that range they will consider it. He added that it could be for sale for a long time; this is just another step in the process. He continued that he was on the Council when this property was offered to the City at a very discounted price. Selling the 17 acres would generate more money than what the City paid for the entire property.

MOTION: Councilmember Ericson made a motion to put a For Sale sign up on the property at 544 South 800 West and see what offers are received. When offers are received it will be determined if selling the property is the right move for the City. The motion was seconded by Councilmember Marabella. Councilmember Ericson, Councilmember Marabella and Councilmember Vincent voted aye. Councilmember Jensen voted nay. The motion carried 3-1.

SCHEDULED DELEGATION

Request Permission to Help Fish & Wildlife Eliminate Problem Animals

This request was for Tom Edwards, located on 800 West. He is unavailable on Thursdays so he asked Councilmember Marabella to represent him.

Councilmember Marabella said Mr. Edwards owns a small farm on 800 West and has lived there since 1954. He is currently growing tomatoes on 14 acres by his home and has 500 tomato plants. He is having problems with deer coming onto his property and eating the tomato plants. Approximately 50 of his plants have been eaten. It is against City ordinance to shoot firearms within City limits. Mr. Edwards has counted 19 deer that are either living on his property or below his property. He has been working with the Department of Natural Resources. They sent a letter to Chief Tittensor giving some options of using chemical repellants, deer proof fencing and scare devices. The first two options are cost prohibitive and they don't feel the scare devices will work because there are people living too close to the property.

Councilmember Marabella said there are a number of citizens on the east bench that also have deer issues. He felt Chief Tittensor should get involved and evaluate this request. The City should be very careful in allowing one citizen to discharge a firearm within City limits and not another. He recommended waiting on a decision until Mr. Edwards can be in attendance.

Councilmember Ericson expressed concern with letting one person shoot deer because there are many citizens that have deer get in their yard.

MOTION: Councilmember Ericson made a motion to table the request until discussions with the City Attorney and Chief Tittensor have taken place. The motion was seconded by Councilmember Vincent, motion carried unanimously.

Connie Edwards, wife of Tom Edwards, came forward and stated that other people might also have deer problems, but are they losing money by losing their fruit? The deer are not only eating the tomatoes but the peach trees as well. They have lost at least 20 peach trees due to the deer. That is a lot of money to them.

Mayor Fife said in a letter from the Division of Wildlife, they suggested using bows and arrows. Ms. Edwards said her husband is an archer, so if that were allowed he could do that. The Mayor said he would still like to have the City Attorney and Police Chief review this and put it on the Council agenda for June 17.

NEW BUSINESS

Presentation of Tree Line USA Award

Tom Ammons came forward and reported that Brigham City has been designated as a Tree Line USA Utility for the ninth consecutive year by meeting the standards set by the National Arbor Day Foundation. Brigham City is only one of two cities in the State that received this award. In order to qualify for this award the City must provide four safety classes relating to proper and safe tree trimming and trenching, engage the services of a professional tree trimmer, provide community education, submit a Tree Power Activity Report to the American Public Power Association (APPA), support and participate with the Shade Tree Commission in celebrating Arbor Day. He added that this year the APPA recognized Brigham City in their first issue of their 2010 Tree Power Report. It has an article on Brigham City and a picture of Richard Ricks from the Parks Department and a third grader from Discovery Elementary School. Mr. Ammons presented a flag and medallion to the Council. The flag will be flown at Rees Pioneer Park.

Request for Approval of Golf Professional Services Contract

Mr. Leonard and Mr. Marx came to the table. Mr. Leonard stated that this was discussed during the budget meetings. There has been a lot of thought and planning that went into this contract. This contract changes the management of the golf course greens to the Golf Pro. He will be paid to maintain the course.

MOTION: Councilmember Ericson made a motion to approve the Golf Professional Services contract with Chris Marx, Golf Professional. The motion was seconded by Councilmember Marabella and unanimously carried.

Request to Set a Special Meeting for June 24, 2010 to Close Out the 2009-10 Budget

Mr. Roberts explained that every year there are changes to the budget throughout the year, such as grants. In the next month he will be revising the current year budget prior to the year end of June 30.

MOTION Councilmember Ericson made a motion to schedule a special meeting to close out the 2009-10 for June 24 at 7:00 p.m., seconded by Councilmember Vincent and unanimously carried.

Request to Accept Annexation Petition from Victor Thompson

Ms. Christensen and Mr. Bradley came to the table. Ms. Christensen explained that the City received a petition from Victor Thompson to annex his property into the City. This is a request for the Council to accept the petition; it is not to actually annex the property. Acceptance of the petition will begin the process which takes a minimum of a month. It has to be published in the paper for three weeks and if no protests are received an ordinance will be brought back to the Council for approval of the annexation.

Mr. Bradley said the property is located west of the airport on the west side of the interstate. The overall acreage is 83.8 acres. This includes I-15 and the five acres of the Rest Area; 63.2 acres belongs to Mr. Thompson.

MOTION: A motion to accept the annexation petition from Victor Thompson was made by Councilmember Ericson, seconded by Councilmember Marabella and unanimously carried.

Request to Schedule a Work Session to Discuss 1100 West Road Project

Mr. Larsen came forward and requested a work session be scheduled to discuss the 1100 West Road. There has been a lot of interest from the property owners that this be brought to the Council. They would like an opportunity to make the Council aware how they feel about it. A meeting was scheduled for July 15 at 6:00 p.m.

MAKING LIFE BETTER - DEPARTMENT REPORTS

Opening of the Brigham City Swimming Pool

Mr. Lyn Raymond, Assistant Pool Manager, came forward and reported that the pool opened Memorial Weekend. Due to the weather, there had less than 200 people. They will continue to run specials that have been popular with the community, such as the Monday Night Special where families can swim for \$15 between 5:00 and 8:00 p.m. All residents will receive a \$5.00 off coupon in their utility bill.

Heritage Arts Festival Update

Ms. Donna Pett announced that the Heritage Arts Festival will be held Saturday, June 12. She invited the Mayor and Council to attend the Festival. This year the City's funding for the Festival will be nominal because Wal-Mart Distribution is going to have numerous volunteers do the work the Parks Division typically does. In addition, they will give a grant fund toward the Festival.

Sights and Sounds of Summer Update

Kristy Law came forward and explained the Sights and Sounds of Summer Program. This program started five years ago and is now in conjunction with the Chamber of Commerce's Concert and Movie Night. A brochure is distributed every year explaining all the free activities available in Brigham City, such as the Museum, Library, Boys & Girls Club. In 2009 Autoliv partnered with the City and paid for publishing, printing and the final bash to close the summer. This year Utah State University and the Youth Empowerment Team are also participating in the Program. This year there will be a concert by a Beatle's Tribute Band on August 9. For each activity a person participates in, they are given an opportunity for a drawing in August at the final concert. Brigham City does not have a budget for this program; it is all done by donations and volunteer labor.

OTHER BUSINESS

Schedule a Work Session

Mr. Burnett requested a work session be scheduled to further discuss the Horse Butte Wind Project for June 10 at 12:00 noon. Councilmember Marabella and Councilmember Ericson said they could not attend. It was tentatively rescheduled for June 15 at 12:00 noon, contingent upon UAMPS being able to attend.

A motion to adjourn to an RDA meeting was made by Councilmember Ericson. The motion was seconded and carried unanimously. The meeting adjourned at 8:19 p.m.